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OFFICE OF PETITIONS

In re Application of Soepenberget al. :
Application No. 09/329,391 :
Filing Date: June 10, 1999 :
Attorney Docket No. PHN 16,974 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.181, filed February 3, 2005, to withdraw the holding of abandonment.

The petition is **granted**.

The file wrapper failed to indicate petitioner had taken any action in response to the Board of Patent Appeals and Interferences decision mailed September 30, 2004. As a result, a Notice of Abandonment was mailed on December 2, 2004.

Petitioner has supplied a postcard receipt establishing the Office received a RCE and amendment on December 2, 2004. Petitioner has established the papers were mailed to the Office in compliance with 37 CFR 1.8 on November 30, 2004.

Since petitioner has established a proper reply was timely filed in response to the Board decision, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2616 will be informed of the instant decision and the RCE and amendment originally filed on December 2, 2004, will be considered by the examiner in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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